ON THE LAW OF NEGLIGENCE, Vol. I, pg. 980; and see particularly the following cases: *Goodsell* v. *Taylor* (1889), 41 Minn. 207, 42 N. W. 873; *Treadwell* v. *Whittier* (1889), 80 Cal. 574, 22 Pac. Rep. 266; *Marker* v. *Mitchell* (1893), 54 Fed. Rep. 637 and (1894), 62 Fed. Rep. 140; *Kentucky Hotel Co.* v. *Camp* (1895), 97 Ky. 424, 30 S. W. Rep. 1010; *Southern Bldg. & Loan Assn.* v. *Lawson* (1896), 97 Tenn. 367, 37 S. W. Rep. 86, 56 Am. St. Rep. 804 (with extended note); *Hartford Deposit Co.* v. *Solitt* (1898), 172 Ill. 222, 50 N. E. Rep. 178; and *Edwards* v. *Burke* (1904), 78 Pac. Rep. (Wash.) 610. Like the principal case, however, these cases all agree that the owner of a passenger elevator is not an insurer of the safety of its passengers.

CARRIERS—OWNERS OF PASSENGER ELEVATORS—LIABLE AS COMMON CARRIERS.—Plaintiff was injured by stepping through an open and unguarded entrance to an elevator shaft in defendant's store, the elevator being for the use of defendant's customers. Plaintiff was a customer of defendant and had been directed by defendant to take the elevator to the second floor where he could make certain purchases. *Held,* that these facts established the relation of carrier and passenger. *Morgan* v. *Saks* (1905), — Ala. —, 38 So. Rep. 848.

This case was decided but a few months before *Edwards* v. *Manufacturers' Bldg. Co.* (1905), 61 Atl. Rep. (R. I.) 646, and follows the weight of authority, while the latter case holds to the contrary rule. See preceding note.

CONSTITUTIONAL LAW—INDETERMINATE SENTENCE—INVASION OF EXECUTIVE OR JUDICIAL FUNCTIONS.—A provision in Shannon's (Tennessee) Code, § 7423, that "The board of workhouse commissioners may, on recommendation of the superintendent, deduct, for good conduct, a portion of the time for which any person has been sentenced, or a portion of the fine," *held* unconstitutional as being a delegation of legislative authority and in derogation of the governor's pardoning power, and the judicial authority of the courts. *Fite, Superintendent of County Workhouse* v. *State ex rel Snider* (1905), — Tenn. —, 88 S. W. Rep. 941.

It is universally held, and this case admits, that statutes defining credits for good behavior and operating only upon sentences subsequently pronounced, take effect as entering into the sentence, and are not an invasion of the prerogative of the governor, nor a vesting of judicial power in the prison board. *Opinion of Justices,* 13 Gray (Mass.) 618; *Ex parte Nokes,* 6 Utah 106; *In re Walsh,* 87 Mich. 466. But since the statute operates on the sentence and not on the criminal, it cannot affect those sentenced before its passage. *State* v. *McClellan,* 87 Tenn. 52; *In re Canfield,* 98 Mich. 644. Indeterminate sentence laws authorizing the prison commissioners to parole at discretion prisoners who have served a certain part of the term are upheld, by the weight of authority, on the ground that the convicts are still in custody, only the place and nature of the imprisonment being changed (*State* v. *Peters,* 43 Ohio St. 629), or on the broader ground that it is not a pardoning power, since it is not arbitrary, nor is it judicial, since it has nothing to do with the adjudging of innocence or guilt, *Conlon's Case,*